

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

TEODORE PEREZ-GARCIA a/k/a TIO
a/k/a ENRIQUE PLASENCIA PLATA

No. 3:12-00207
JUDGE NIXON

MOTION TO CONTINUE SENTENCING HEARING

The defendant, Teodore Perez-Garcia, through undersigned counsel, hereby moves this Honorable Court for an order continuing the sentencing hearing that is presently set for **Thursday, May 23, 2013**, at 10:30 a.m. for approximately 30 days.

As grounds for this motion, undersigned counsel would show that he needs some additional time in order to complete his investigation regarding certain matters contained in the presentence investigation report that relate to drug amounts and the proper calculation of the offense level in this case. Additionally, counsel needs additional time to complete an investigation into certain mitigating facts that he may wish to present at the sentencing hearing. Counsel believes that he can complete this investigation within 30 days and that no further continuances will be necessary.

Undersigned counsel has consulted with Assistant United States Attorney Harold B. McDonough, Jr., and he has indicated that the government is not opposed to the requested continuance.

WHEREFORE, Mr. Perez-Garcia respectfully requests that this Court issue an order continuing the sentencing hearing in this case for approximately 30 days.

Respectfully submitted,

s/ R. David Baker
R. David Baker (BPR# 014238)
Assistant Federal Public Defender
810 Broadway, Suite 200
Nashville, TN 37203
615-736-5047
E-mail: david_baker@fd.org

Attorney for Teodore Perez-Garcia

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2013, I electronically filed the foregoing *Motion to Continue Sentencing Hearing* with the clerk of the court by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: **Mr. Harold Benton McDonough, Jr.**, Assistant United States Attorney, 110 Ninth Avenue South, Suite A961, Nashville, TN 37203 and *via electronic mailing* to: **Ms. Amanda Winfree**, U.S. Probation Office, A725 United States Courthouse, Nashville, TN 37203.

s/ R. David Baker
R. DAVID BAKER

Granted
Re-scheduled for June 13, 2013
at 10:00 a.m.

